

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN DAVID BATTAGLIA

Petitioner,

VS.

RICK THALER, Director
Texas Department of Criminal Justice,
Correctional Institutions Division

Respondent.

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NO. 3-09-CV-1904-B-BD

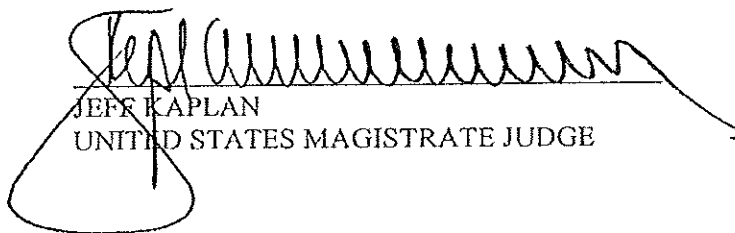
ORDER

In his response to petitioner's application for writ of habeas corpus, respondent acknowledges that petitioner placed his *pro se* supplemental writ in the prison mail system on or before the May 16, 2011 deadline established by the court. Accordingly, the court vacates its May 27, 2011 order [Doc. #61] denying petitioner's motion for stay and abeyance, and grants petitioner's request to reinstate that motion [Doc. #65]. The court will rule on the motion for stay and abeyance by separate order.

Petitioner's *pro se* supplemental application for writ of habeas corpus [Doc. #62], placed in the prison mail system on May 13, 2011, but not received by the court until May 27, 2011, is deemed timely filed.

SO ORDERED.

DATED: June 16, 2011.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE